



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,894	01/09/2002	Yushi Ihara	450101-02897	9637

20999 7590 10/05/2006
FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

SHEPARD, JUSTIN E

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/890,894	Applicant(s) IHARA, YUSHI	
	Examiner Justin E. Shepard	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Pre-Appeal Brief Request, filed 6/26/06, with respect to the rejection(s) of claim(s) 1-7 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tateyama (US Patent 7,062,579 B1).

Claim Objections

Claim 5 is objected to because of the following informalities: On page 6, second paragraph from the bottom of the page, the passage "second picture processing means for performing pre-set picture processing using the picture data input by said second picture processing means" is unclear. This passage seems to claim that the second picture processing means transmits the image data to itself. The image data should be transmitted from the first picture processing means, and will be examined using this limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2623

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tateyama.

Referring to claim 1, Tateyama1 discloses a data reception apparatus comprising:

picture processing means for doing pre-set picture processing using picture data from a data source side (column 41, lines 41-42);

input/output means for being fed from said data source side with picture data comprehended in a packet conforming to the IEEE 1394 standard (figure 1A) and for outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the data source side (column 41, lines 39-42 and 22-23); and

control means for controlling said input/output means to transmit to said data source side the profile information indicating a profile coped with by said picture processing means, as search results, responsive to the inputting of a command for searching a profile to said input/output means (column 41, lines 39-44; Note: printer resolution is interpreted as being equivalent to a profile as defined in the applicant's specification),

wherein the control means determines whether to modify the type of picture data from the data source side to the input/output means based on whether the input/output means can accommodate the picture data (column 41, lines 39-44).

Referring to claim 3, Tateyama discloses a data transmission device comprising:
picture processing means for processing picture data input from outside to
generate picture data (column 41, lines 41-42);

input/output means for outputting the picture data generated by said picture
processing means as the picture data is comprehended in a packet conforming to the
IEEE 1394 standard (column 41, lines 39-42 and 22-23; figure 1A); and

control means for managing control for generating a command packet for
searching a profile coped with by picture data outputting destination to output the
generated command packet from said input/output means to a data reception side, said
control means also managing control for changing the type of the picture data output by
said input/output means based on the profile information specifying the search results
from said data reception side (column 41, lines 39-44),

wherein the control means determines whether to modify the type of picture data
from said outside to the input/output means based on whether the input/output means
can accommodate the picture data (column 41, lines 39-44).

Referring to claim 5, Tateyama discloses a data transmission/reception system
having a data transmission device and a data reception device; said data transmission
device comprising:

first picture processing means for processing picture signals input from outside to
generate picture data (figure 1A, part 101);

first input/output means for outputting the picture data generated by said first picture processing means to a picture reception device as the picture data generated is comprehended in a packet conforming to the IEEE 1394 standard (figure 1A, parts 101 and 102; column 7, lines 51-55)); and

first control means for managing control for generating a command packet for searching a profile coped with by picture data reception device to output the generated command packet from said input/output means to said data reception device, said control means also managing control for changing the type of the picture data output by said first input/output means based on the profile information specifying the search results from a data reception side (column 41, lines 39-44);

said data reception device including second input/output means for receiving picture data from said first input/output means as the picture data is comprehended in a packet conforming to the IEEE 1394 standard (figure 1A, part 102), and for outputting a response packet responsive to the command packet conforming to the IEEE 1394 standard from said first input/output means (column 41, lines 39-44);

second picture processing means for performing pre-set picture processing using the picture data input by said second picture processing means (column 41, lines 39-44); and

second control means for controlling said second input/output means, responsive to inputting to said second input/output means command for searching a profile from said second input/output means and for outputting the profile information indicating the

profile coped with by said second picture processing means, as search results, to said data transmission device (column 41, lines 39-44).

Referring to claim 6, Tateyama discloses a data reception apparatus comprising:
a picture processing section for doing pre-set picture processing using television picture data from a television signal reception side (figure 1A; column 7, lines 51-64; column 41, lines 41-42; Note: Video from a VCR or DVD player is interpreted as being equivalent to picture data from a television signal);

an input/output section fed from said television signal reception side with said television picture data comprehended in an FCP (Function Control Protocol) packet (column 2, lines 46-54) conforming to the IEEE 1394 standard (figure 1A) and for outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the television signal reception side (column 41, lines 39-42 and 22-23); and

a controller for controlling said input/output section to transmit to said television signal reception side profile information indicating a profile coped with by said picture processing section, as search results, responsive to the inputting of a version command packet for searching a profile of printable picture data to said input/output section (column 41, lines 39-44),

wherein the controller determines whether to modify the type of picture data from the television signal reception side to the input/output section based on whether the input/output section can accommodate the picture data (column 41, lines 39-44).

Claim 7 is rejected on the same grounds as claims 3 and 6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tateyama in view of Chiba.

Referring to claim 2, Tateyama discloses a data processing method in doing pre-set picture processing using picture data from a data source side (column 41, lines 41-42), comprising:

a step of being fed from said data source side with picture data comprehended in a packet conforming to the IEEE 1394 standard (column 41, lines 22-23 and 39-44);

a step of outputting a response packet responsive to a command packet conforming to the IEEE 1394 standard from the data source side (column 41, lines 22-23 and 39-44);

a step of transmitting to said data source side the profile information indicating a profile coped with, as search results, responsive to the inputting of a command packet for searching the profile of processable picture data (column 41, lines 39-44).

Tateyama does not disclose a method with a step of determining whether to transmit the picture data from the data source side based on the profile information.

Chiba discloses a method with a step of determining whether to transmit the picture data from the data source side based on the profile information (column 7, lines 5-8 and 14-31; figure 2, box S6).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the transmission determination taught by Chiba to the method disclosed by Tateyama. The motivation would have been to stop the device from printing an image that it could not accurately reproduce.

Claim 4 is rejected on the same grounds as claim 2.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS



CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600